IN THE

SUPREME COURT OF THE UNITED STATES

RONNIE MICKENS and
GLORIA J. MICKENS,

Petitioners

v.

STEWART TITLE GUARANTY COMPANY, *et al.*,

Respondents

CASE NUMBER 06-488

Response to the Petition of Certiorari by
Stewart Title of Polk County, Florida,
Elaine P. Canady and Edith F. Rewis, Respondents

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LIST OF INTERESTED PARTIES

Stewart Title Guaranty Company

Stewart Title of Polk County, Florida

Allen Damron Construction Company

Allen Damron

Debra Damron

Elaine P. Canady

Edith F. Rewis

Florida State Attorney, 10th Judicial Circuit

Polk County Sheriff

Polk County Property Appraiser

LIST OF PARENT OR PUBLICLY HELD COMPANY

Stewart Information Service Corporation (SISCO)

IN THE

SUPREME COURT OF THE UNITED STATES

RONNIE MICKENS and GLORIA J. MICKENS,

Petitioners,

vs.

STEWART TITLE GUARANTY COMPANY, *et al.*,

Respondents.

Response to the Petition for Certiorari by Respondents,
Stewart Title of Polk County, Florida,
Elaine P. Canady and Edith F. Rewis

RESPONSE TO THE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT

SUMMARY OF THE ARGUMENT

I. The decisions of the District Court and the Court of Appeals in correct because the Court did not have jurisdiction to review the final decisions of the Florida Courts pursuant to the Rooker-Feldman Doctrine.[1]

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[1] *Rooker vs. Fidelity Trust Company*, 263 U.S. 413(1923); and District of Columbia Court of Appeals vs. Feldman, 460 U.S. 462 (1983).

II. The decisions of the Florida Circuit and District Court of Appeals are inextricably intertwined with the relief sought in Federal Court.

ARGUMENT I

The Rooker-Feldman Doctrine as interpreted by this Court bars "cases brought by state-court losers complaining of injuries caused by state court judgments rendered before the District Court proceedings commenced and inviting District Court review and rejection of those judgments" *Exxon Mobil Corporation vs. Saudi Basic Industries Corporation*, 544 U.S. 288, 125 S.Ct. 1517, 161 Law Ed 2d 454 (2005). The decisions of the Florida Circuit and District Court of Appeals are set forth in the opinion of the District Court. There the District Court found that there were decisions rendered against Petitioners which were final before the action was filed in the District Court. Petitioners' Brief, Appendix, pages 81a through 83a.

As noted by the Court's decision in Exxon Mobil, the Federal District Courts are empowered to exercise original, not appellate,

jurisdiction. As did the Plaintiffs in Rooker and Feldman, the Petitioners here litigated their case several times in State Court. In each instance, Petitioners lost. The complaints in the District Court below were filed after the decisions against the Petitioners were entered by the Florida appellate courts.

ARGUMENT II

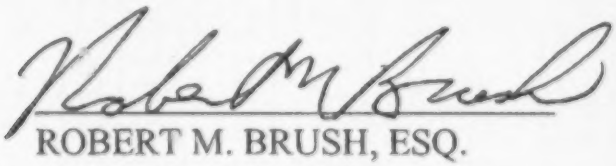
The relief sought in the federal court is inextricably intertwined with the relief sought in circuit court. Accordingly, Rooker-Feldman precludes jurisdiction by the District Court. As noted in Exxon, the District Court correctly determined that the Rooker-Feldman Doctrine applies to claims that are inextricably intertwined with a State Court Judgment citing the *Goodman v. Sypose*, 259 Fed. 3rd 1327, 1332 (11th Circuit, 2001). In *Industrial Communications and Electronics, Inc. v. Monroe County*, 134 Fed. Appx. 314 (11th Circuit, May 2005), the Eleventh Circuit correctly determined that the Rooker-Feldman Doctrine applies to claims litigated as well as those not raised in state court but which could have been raised and which were inextricably intertwined with the state court judgment. 134 Fed.Appx. 317

CONCLUSION

The decisions of the District Court and the U.S. Court of Appeals, Eleventh Circuit, are correct. The District Court did not have jurisdiction over the claims brought by Petitioners in that Court. The decision of the Eleventh Circuit, based upon its de novo review, was correct for the reasons set forth in its opinion.

Wherefore, the Respondents herein respectfully request that Petitioners' Petition for Certiorari be denied.

Respectfully submitted,



ROBERT M. BRUSH, ESQ.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of November 2006, a true and correct copy of this brief was provided by U.S. Mail to: Ronnie Mickens and Gloria Mickens, 6420 Odom Road, Lakeland, FL 33809; Mark M. Schabacker, Esquire, 201 E. Kennedy Blvd., Ste. 460, Tampa, FL 33602; Benjamin W. Hardin, Jr., Esquire, P.O. Box

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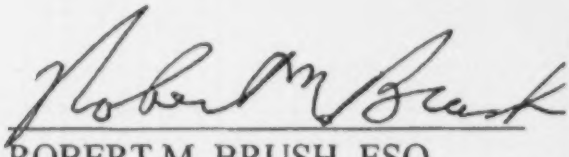

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